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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,581	10/15/2003	George W. Fitzmaurice	1252.1085	2330

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EXAMINER

TRAN, HENRY N

ART UNIT

PAPER NUMBER

2629

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/684,581	FITZMAURICE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Henry N. Tran	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) 13-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/15/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/2/04 &amp; 5/6/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This Application has been examined. The original claims 1-19 are pending. The examination results are as follows.

#### ***Priority***

1. Applicants are required to amend the first sentence of the specification to cross reference to other related applications, identifying them by application numbers, which are now missing.

#### ***Information Disclosure Statement***

2. The examiner has considered the documents listed in forms PTO-1449 submitted with the Information Disclosure Statements (IDSs) received 5/6/04 and 3/2/04 (see the attached forms PTO-1449).

#### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show: “the pen cursor 208” and “an input transducer 360” as described in paragraphs 54 and 56 in pages 9 and 10, respectively, of the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be

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renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. Claim 15 is objected to because of the following informalities: the claimed phrase: "associated with the input cursor as computer mouse events" is duplicated in the claim.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Sciammarella et al (U.S. Patent No. 6,097,387, hereinafter referred to as "Sciammarella").

Sciammarella, Fig. 4, teaches a graphical user interface, comprising: a draggable graphic (322) (a so-called toolbar on a display screen 318) draggable by an input cursor (316) and that is used to interpret events associated with the input cursor as computer mouse events (the user

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operates a mouse (202) to move the cursor (316) for dragging the toolbar (322) on a display screen (318); see also, Fig. 4, col. 3, lines 37-51.

7. Claims 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Berman et al (U.S. Patent No. 5,760,773, hereinafter referred to as "Berman").

8. Regarding claim 13, Berman, Fig. 1, teaches a graphical user interface, comprising: a pen cursor tracking graphic ("action handle 40), which is dragged and/or tapped with a pen or stylus 12, for providing mouse pointing and mouse button emulation; see also, Figs. 2-5, col. 14, lines 28-32, and col. 17, lines 18-30.

9. Regarding claim 14, Berman further teaches that the graphic provides an appearance of button controls; see col. 14, lines 35-38, and col. 28, lines 38-42.

10. Regarding claim 15, Berman, Fig. 5, teaches a graphical user interface, comprising: a draggable graphic ("action handle 40") draggable by an input cursor, e.g., a drag icon 40', and that is used to interpret events associated with the input cursor as computer mouse events; see col. 15, line 57 to col. 16, line 13.

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Berman".

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13. Regarding claim 16, Berman teaches a graphical user interface method, comprising: producing a graphical user interface (“action handle 40”) on a display (18); moving the graphic on the display as a tracking menu responsive to movement of a pen (12); and interpreting input events initiated by the pen as mouse events, see Figs. 1 and 5. Although Berman does not teach expressly that the graphic user interface action handle (40) has an appearance of a computer mouse; However, Berman teaches that: (i) each action handle has a different graphic symbol or icon indicate the nature of the associated item; see col. 14, lines 36-39; and (ii) action handle (40) used the mouse buttons instead of pop up or context menu; see Fig. 7A, col. 18, lines 4-7, col. 27, lines 24-38, and col. 28, lines 38-42.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the graphic symbol of a mouse for associating the mouse actions for the Berman action handle graphic because this would provide an improved graphical user interface that is user friendly for enhancing the functional operations of the interface. By this rationale, claim 16 is rejected.

14. Regarding claim 17, which is an apparatus claim corresponding to the method claim 16, and is therefore rejected on the same basis set forth for claim 16 discussed above.

15. Regarding claims 18 and 19, which claim a computer readable storage controlling a computer for performing the method steps of claim 16. Berman teaches a computer program stored in a memory (21) executed by a computer (20) for performing the method steps of claim 16; see Figs. 1 and 14. Claims 18 and 19 are therefore rejected on the same basis set forth for claims 16.

*Allowable Subject Matter*

16. Claims 1-12 are allowed.

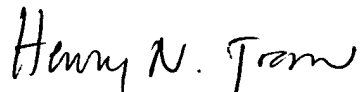
*Conclusion*

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They are U.S. Patents Nos.: 6,262,719 and 5,666,499, which teach graphical user interfaces that utilize mouse and/ or pen operations.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry N. Tran whose telephone number is 571-272-7760. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD A. HJERPE can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Henry N Tran  
Primary Examiner  
Art Unit 2629